

# Exhibit B



Refer to: Avien Reese

Social Security Administration  
Office of Appellate Operations  
6401 Security Blvd  
Baltimore, MD 21235-6401  
Telephone: (877) 670-2722  
Date: October 23, 2023

## NOTICE OF APPEALS COUNCIL ACTION

Mr. Avien Reese  
4011 Phylis Place  
Decatur, GA 30035

This is about your request for review of the Administrative Law Judge's decision dated March 6, 2023. You submitted reasons that you disagree with the decision. We considered the reasons and exhibited them on the enclosed Order of the Appeals Council. We found that the reasons do not provide a basis for changing the Administrative Law Judge's decision.

### We Have Denied Your Request for Review

We found no reason under our rules to review the Administrative Law Judge's decision. Therefore, we have denied your request for review.

This means that the Administrative Law Judge's decision is the final decision of the Commissioner of Social Security in your case.

### Rules We Applied

We applied the laws, regulations and rulings in effect as of the date we took this action.

Under our rules, we will review your case for any of the following reasons:

- The Administrative Law Judge appears to have abused his or her discretion.
- There is an error of law.
- The decision is not supported by substantial evidence.
- There is a broad policy or procedural issue that may affect the public interest.



**Suspect Social Security Fraud?**

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

See Next Page

- We receive additional evidence that you show is new, material, and relates to the period on or before the date of the hearing decision. You must also show there is a reasonable probability that the additional evidence would change the outcome of the decision. You must show good cause for why you missed informing us about or submitting it earlier.

### **If You Disagree With Our Action**

If you disagree with our action, you may ask for court review of the Administrative Law Judge's decision by filing a civil action.

If you do not ask for court review, the Administrative Law Judge's decision will be a final decision that can be changed only under special rules.

### **How to File a Civil Action**

You may file a civil action (ask for court review) by filing a complaint in the United States District Court for the judicial district in which you live. The complaint should name the Commissioner of Social Security as the defendant and should include the Social Security number(s) shown at the top of this letter.

You or your representative must deliver copies of your complaint and of the summons issued by the court to the U.S. Attorney for the judicial district where you file your complaint, as provided in rule 4(i) of the Federal Rules of Civil Procedure.

You or your representative must also send copies of the complaint and summons, by certified or registered mail, to the Social Security Administration's Office of the General Counsel that is responsible for the processing and handling of litigation in the particular judicial district in which the complaint is filed. The names, addresses, and jurisdictional responsibilities of these offices are published in the Federal Register (70 FR 73320, December 9, 2005), and are available on-line at the Social Security Administration's Internet site, <http://policy.ssa.gov/poms.nsf/links/0203106020>.

You or your representative must also send copies of the complaint and summons, by certified or registered mail, to the Attorney General of the United States, Washington, DC 20530.

### **Time To File a Civil Action**

- You have 60 days to file a civil action (ask for court review).
- The 60 days start the day after you receive this letter. We assume you received this letter 5 days after the date on it unless you show us that you did not receive it within the 5-day period.

See Next Page

- If you cannot file for court review within 60 days, you may ask the Appeals Council to extend your time to file. You must have a good reason for waiting more than 60 days to ask for court review. You must make the request in writing and give your reason(s) in the request.

You must mail your request for more time to the Appeals Council at the address shown at the top of this notice. Please put the Social Security number(s) on your request. We will send you a letter telling you whether your request for more time has been granted.

## About The Law

The right to court review for claims under Title II (Social Security) is provided for in Section 205(g) of the Social Security Act. This section is also Section 405(g) of Title 42 of the United States Code.

The right to court review for claims under Title XVI (Supplemental Security Income) is provided for in Section 1631(c)(3) of the Social Security Act. This section is also Section 1383(c) of Title 42 of the United States Code.

The rules on filing civil actions are Rules 4(c) and (i) in the Federal Rules of Civil Procedure.

## Need More Help?

1. Visit [www.ssa.gov](http://www.ssa.gov) for fast, simple, and secure online service.
2. Call us at 1-800-772-1213, weekdays from 8:00 am to 7:00 pm. If you are deaf or hard of hearing, call TTY 1-800-325-0778. Please mention this notice when you call.
3. You may also call your local office at (877)626-9909.

Social Security  
3554 Covington Hwy  
Decatur, GA 30032-9803

**How are we doing?** Go to [www.ssa.gov/feedback](http://www.ssa.gov/feedback) to tell us.

1st Jonathan Cheng

**Jonathan Cheng**  
Appeals Officer

Enclosure: Order of Appeals Council

cc: Kathleen Flynn  
315 W. Ponce De Leon  
Avenue, Suite 940  
Decatur, GA 30030



Social Security Administration  
OFFICE OF APPELLATE OPERATIONS

**ORDER OF APPEALS COUNCIL**

**IN THE CASE OF**

**CLAIM FOR**

Avien Reese  
(Claimant)

Period of Disability  
Disability Insurance Benefits  
Supplemental Security Income

(Wage Earner)

The Appeals Council has received additional evidence which it is making part of the record.  
That evidence consists of the following exhibits:

Exhibit B20B      Request for Review of Hearing Decision/Order  
received May 5, 2023

Exhibit B28E      Representative brief dated May 8, 2023

Date: October 23, 2023



Social Security Admini  
Ofc Of Appellate Opera  
6401 Security Blvd  
Baltimore, MD 21235



2069 9 MB 0.558 P1 T9 163355 1 4 1 CIPA R231023 0000



Kathleen Flynn  
315 W. Ponce De Leon  
Avenue, Suite 940  
Decatur, GA 30030

